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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-31228-2023 (O&M)

Date of decision : 02.08.2023

Rajpal Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Deep Singh, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

Mr. Kamaldeep Singh Sidhu, Advocate,
for the complainant.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.5 dated 17.01.2023, under Sections 406, 420, 120-B of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station Sadar Abohar, District Fazilka.

2. It transpires that above FIR was registered on the basis of statement made by one Gurwinder Singh to the effect that there was a partnership firm consisting of four partners including co-accused, Karanvir Singh, son of the petitioner. Said Karanvir Singh in connivance with the petitioner, cheated the complainants. Petitioner also illegally withdrew Rs.41,00,000/- received from various people on behalf of the firm.

3. The Coordinate Bench, on 27.06.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“The learned counsel representing the petitioner inter alia contends that essentially civil dispute is sought to be converted into a criminal case by wrongly invoking Section 406 and 420 of the Indian Penal Code, 1860. He submits that as per the case of the prosecution, there was a partnership firm consisting of four partners including Karanvir Singh. He submits that at the most allegations are that Karanvir Singh through his father Sh. Rajpal has withdrawn excess amount from the bank account.

Notice of motion.

Mr. Deepanjay Sharma, DAG, Punjab., accepts notice on behalf of the State.

Mr. Kamaldeep Singh Sidhu, Advocate has entered appearance on behalf of the first informant.

Adjourned to 02.08.2023.

In the meantime, in the event of arrest, the petitioner shall be released on the interim bail subject to furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

4. Contends that in terms of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer concerned

and further stated that custodial interrogation of the petitioner is not required at this stage.

6. Although, learned counsel for the complainant vehemently opposed the prayer of petitioner, but in view of fact that State of Punjab is not seeking custodial interrogation; therefore, objection raised by learned counsel for the complainant is rejected.

7. In view of above, interim order dated 27.06.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

8. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

9. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

10. Disposed off accordingly.

02.08.2023

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**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No